

BLAPL No.234 of 2026
(CNR No. ODKE01-000743-2026)
Debjani Mistri, aged about 42 years,
W/o.Bimala Mistri, Vill. Ramnagar, PS-
Mahakalapada, Dist. Kendrapara
..... **Petitioner**
- V e r s u s -
State of Odisha **Opposite Party.**

Later

Dated- 11.08.2026

The case record is put up today for hearing of the bail application filed U/s 483 of BNSS on behalf of the accused-cum-petitioner namely **Debjani Mistri**. A certificate has been appended in the bail application by the Ld. counsel for the petitioner so also a memo has been filed today to the effect that except this petition, no other bail application is pending in any other Court of law competent to entertain the same and the petitioner is not involved in any other criminal case. The LCR has already been received from the Court of Ld. S.D.J.M., Kendrapara. Perused the same. The Ld. Addl. P.P. as well as the Ld. Counsel for the petitioner are present. Heard on the bail petition from both the sides.

2. It is submitted by the learned counsel for the petitioner that the present application has been filed by challenging the order of rejection passed by the Ld. S.D.J.M., Kendrapara on 05.08.2026 in G.R. Case No.2190/2026. He has submitted that the present petitioner has been falsely implicated in this case due to some previous dispute and in the meantime the investigation of this case has been completed and so, there is

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no chance of tampering the prosecution evidence, if the petitioner will be released on bail. He has further submitted that the petitioner is a permanent resident of Ramnagar village under Jamboo Marine P.S. and so, there is no chance of absconding from the jurisdiction of the trial court. He has further submitted that the co-accused persons have already been released on bail and considering the principle of parity, the present petitioner may be released on bail on any condition. On the other hand, the learned Additional P.P. objected the prayer for bail on the ground that in the meantime the police had submitted the charge sheet and the cognizance for the offence U/s.115(2)/ 117(2)/ 118(2)/ 109/ 126(2)/ 351(2)/3(5) of BNS has been taken and thus, prayed for rejection of the bail application.

3. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are prima facie case against the accused, nature and gravity of the offence, likelihood of the accused fleeing from justice, the possibility of tampering with the evidence, position and reasonable apprehension of the accused, the status of the accused, nature of the accusation and severity of punishment in case of conviction and criminal antecedent of the accused. In this regard reference may be made to the decision reported in ***Manoj Kumar KhokharVs. State of Rajasthan and Another,***

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(2022) 3 SCC 501.

4. From the FIR, seizure list, injury report and other documents, the fact emerges is that on 14.09.2025 at about 6.30p.m one Samar Mistri and Bikram Mistri took one Rahul Mandal, the brother of the informant Amrita Mandal, to the market and thereafter took him to their home where they started abusing his parents and when he protested, the said Samar and Bikram along with one Debjani Mistri started brutally assaulting him with an intention to kill him and for which, his knee was broken. When Kartika Rajbansi protested, the said accused persons fled away from the spot. After getting information about the incident, the informant went to the spot and shifted her brother to Kendrapara hospital from where he was shifted to Sum Hospital, Bhubaneswar for further treatment. Thereafter, she lodged the FIR, which was registered for the offence U/S.115(2)/ 117(2)/ 118(2)/ 109/ 126(2)/ 351(2)/ 3(5) of BNS. In the meantime the I.O. has examined the informant and other witnesses, visited the spot, examined the injured and issued injury requisition in his favour and received the injury report. Thereafter, on the application of Samar Mistri and Bikram Mistri, the Ld. S.D.J.M., Kendrapara hold them as CICLs and accordingly split up the record against them. After completion of investigation, the I.O submitted charge sheet against the accused Debajani Mistri and two

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CICLs.

5. On perusal of the medical documents available on the record, it is found that the injured had sustained 'Avulsion Fracture at the anterior region of inter condylar region articular surface of the upper tibia' with moderate knee joint effusion and for which he had undergone treatment at SUM Hospital from 20.09.2025 to 11.10.2025. In the meantime the I.O. has submitted the chargesheet and the learned SDJM, Kendrapara has already taken cognizance for the offence U/S.115(2)/ 117(2)/ 118(2)/ 109/ 126(2)/ 351(2)/ 3(5) of BNS and so, there is less chance of tampering of prosecution evidence by the petitioner, if she will be released on bail. That apart, the accused-petitioner is a permanent resident of Ramnagar village under Jamboo Marine P.S. and had voluntarily surrendered before the Court of Ld. SDJM, Kendrapara, which further goes to show that there is less chance of absconding in future if she will be released on bail. At the same time the accused is in custody since 14.05.2026 and in the meantime she might have understood the rigour of law. That apart, the prosecution has also not mentioned about any criminal antecedent of the accused. So, in my view, the further detention of the accused-petitioner in custody will no way be helpful for the prosecution.

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6. Thus, having regard to the facts and circumstances of the case, the nature and gravity of the offence alleged and completion of investigation, this Court inclined to release the accused–petitioner namely **Debjani Mistri** on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with one solvent surety for the like amount to the satisfaction of the Ld. S.D.J.M, Kendrapara along with the following conditions that:

- i) She shall not indulge herself in any kind of criminal activities while on bail,
- ii) She shall not persuade or terrorize the prosecution witnesses including the victim in any manner, and
- iii) She shall appear before the Court as and when directed till disposal of the case.

Violation of any of the above conditions shall entail cancellation of bail. Accordingly, the bail application is disposed of.

Send back the LCR along with the copy of this order to the Court of Ld. S.D.J.M. ,Kendrapara.

(Dictated)

Sd/

Addl. Sessions Judge,
Kendrapara